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A LIMITED LIABILITY LAW PARTNERSHIP

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MARRIOTT OWNERSHIP RESORTS, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ANDREW GRANT; SANDRA DENISE
KELLY; and ROBIN REISINGER,

Plaintiff,

vs.

MARRIOTT OWNERSHIP RESORTS,
INC.; and DOE DEFENDANTS 1-100,

Defendant.

CIVIL NO. _____

DEFENDANT MARRIOTT
OWNERSHIP RESORTS, INC.'S
NOTICE OF REMOVAL;
DECLARATION OF SARAH O.
WANG; EXHIBITS "A" – "E";
DECLARATION OF PATRICIA
DePALMA; CERTIFICATE OF
SERVICE

No trial date.

**DEFENDANT MARRIOTT OWNERSHIP
RESORTS, INC.'S NOTICE OF REMOVAL**

TO THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF HAWAII:

PLEASE TAKE NOTICE that MARRIOTT OWNERSHIP
RESORTS, INC. (“Defendant”), pursuant to 28 U.S.C. §§ 1331, 1332, 1337, 1441
and 1446, hereby removes the above-captioned matter, which was commenced in
the Circuit Court of the First Circuit, State of Hawaii, as Civil No. 16-1-0060-1
VLC, to the United States District Court for the District of Hawaii. In support of
removal, Defendant states:

1. Upon information and belief, on January 12, 2016, the instant
action was commenced by the filing of a Complaint; Demand; Summons in the
Circuit Court of the First Circuit, State of Hawaii, identified as Civil
No. 16-1-0060-1 VLC, *Andrew Grant, Sandra Denise Kelly, and Robin Reisinger*
v. Marriott Vacations Worldwide Corporation. A true and correct copy of the
Complaint is attached as **Exhibit A**.

2. Upon information and belief, on June 28, 2016, Plaintiffs
Andrew Grant, Sandra Denise Kelly and Robin Reisinger (“Plaintiffs”) filed a First
Amended Complaint in the Circuit Court of the First Circuit, State of Hawaii,
naming Marriott Vacations Worldwide Corporation (“MVWC”) as the only named

Defendant. A true and correct copy of the First Amended Complaint is attached as **Exhibit B**.

3. The First Amended Complaint was served on Defendant MVWC on July 12, 2016.

4. On August 1, 2016, a Stipulation to Allow Plaintiffs to File Second Amended Complaint was filed in the Circuit Court of the First Circuit, State of Hawaii. A true and correct copy of the Stipulation is attached as **Exhibit C**.

5. On August 2, 2016, Plaintiffs filed their Second Amended Complaint in the Circuit Court of the First Circuit, State of Hawaii, naming Marriott Ownership Resorts, Inc. (“MORI”) in lieu of MVWC as the only named Defendant. A true and correct copy of the Second Amended Complaint is attached as **Exhibit D**.

6. The Second Amended Complaint was served on Defendant MORI, through counsel, on August 3, 2016. A true and correct copy of the Acknowledgement of Service is attached hereto as **Exhibit E**.

7. No other process, pleadings, and/or orders have been served on Defendant MORI in this case.

8. No further proceedings have been had, and thirty days have not elapsed since this action became removable to this Court. Thus, removal of this action is timely under 28 U.S.C. § 1446(b).

9. Defendant has the right to remove Civil No. 16-1-0060-01 VLC to this Court pursuant to 28 U.S.C. §§ 1331 and 1441 because certain of Plaintiff's claims in the Second Amended Complaint arise under federal law. The Court has subject matter jurisdiction over the other claims pursuant to 28 U.S.C. § 1367.

10. Defendant also has the right to remove Civil No. 16-1-0060-01 VLC to this Court pursuant to 28 U.S.C. §§ 1332 and 1441 because there is diversity of citizenship between the parties. As asserted by Plaintiffs in the Second Amended Complaint, Plaintiffs are all residents of the State of Hawaii. *See* Second Am. Compl. ¶¶ 5, 307, 498 (Ex. E). Defendant is a corporation incorporated under the laws of the State of Delaware, having its principal place of business in the State of Florida. *See* Declaration of Patricia DePalma ¶ 2, attached hereto.

11. The Second Amended Complaint prays for damages, including general damages, special damages, punitive and/or exemplary damages, and attorney's fees, costs and interest. *See* Second Am. Compl. at 65 (Ex. E). As such, upon information and belief, the matter in controversy in this lawsuit exceeds the jurisdictional threshold set forth in 28 U.S.C. § 1332(a).

12. Venue is proper in the District of Hawaii pursuant to 28 U.S.C. § 1391 inasmuch as the events giving rise to the instant lawsuit, as alleged in the Second Amended Complaint, allegedly occurred in the District of Hawaii. *See* Ex. E.

13. Pursuant to 28 U.S.C. § 1446(d), Defendant will provide Plaintiff with written notice of the filing of this Notice of Removal, and will file a copy of the Notice of Removal with the Clerk of the Circuit Court of the First Circuit, State of Hawaii.

14. By filing this Notice of Removal, Defendant waives no defenses to the Second Amended Complaint.

WHEREFORE, Defendant hereby respectfully requests that this action be removed from the Circuit Court of the First Circuit, State of Hawaii, to the United States District Court for the District of Hawaii and that the action proceed herein.

DATED: Honolulu, Hawaii, August 11, 2016.

/s/ Sarah O. Wang
SARAH O. WANG
SHARON A. LIM

Attorneys for Defendant
MARRIOTT OWNERSHIP
RESORTS, INC.